

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BILLITTERI ET AL,
Plaintiffs,

v.

SECURITIES AMERICA, INC. ET AL,
Defendants.

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Case no. 3:09-cv-1568-F

**ORDER DENYING WITHOUT PREJUDICE
DEFENDANTS' MOTION TO DISMISS COUNTS I AND II
OF THE SECOND AMENDED CLASS ACTION COMPLAINT**

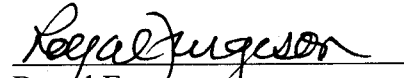
BEFORE THE COURT is Defendants' Motion to Dismiss Counts I and II of the Second Amended Class Action Complaint, filed on September 27, 2010 (Docket No. 138). Since the filing of that Motion, however, the circumstances of this case have fundamentally changed. Two of the defendants that filed this Motion, QA3 LLC and QA3 Financial Corp., are no longer parties to this litigation, and the Court is in the process of deciding whether to approve settlements of claims against three of the other defendants who filed this Motion, Securities America, Inc., Ameriprise Financial, Inc., and Capital Financial Services, Inc. As the circumstances in this litigation pertaining to the instant Motion have fundamentally changed, the Court shall not consider the instant Motion in its current form at this time. Accordingly, Defendants' Motion to Dismiss is DENIED WITHOUT PREJUDICE.¹ Should Defendants have reason to file a renewed motion to dismiss regarding these claims, they shall

¹This resolves Docket No. 138.

have the opportunity to do so at a later stage of this litigation.

IT IS SO ORDERED.

Signed this 17th day of May, 2011.



Royal Furgeson
Senior United States District Judge